

PRESS RELEASE

Congressman John Conyers, Jr.

Fourteenth District, Michigan
Ranking Member, Committee on the Judiciary
Dean, Congressional Black Caucus

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CONTACT:
Dena Graziano (202) 226-6888

Conyers Calls Michigan Affirmative Action Argument a Plessy v. Ferguson Moment

Congressman John Conyers, Jr., Ranking Member of the House Judiciary Committee issued the following statement regarding this morning's Supreme Court arguments about the University of Michigan's undergraduate and law school admission programs:

"Today, we stand on the threshold of a *Plessy v. Ferguson* moment; a time when the position of the Supreme Court can influence the movement of this nation toward the continuing commitment of full participation for all its citizens. Or the Court can abandon the progress of 30 years in the name of a distorted equal protection claim – one that is out of touch with the social reality of our nation.

This morning's Supreme Court arguments about the University of Michigan's undergraduate and law school admission programs is by far the most important civil rights case on higher education to be considered by the Supreme Court since *Regents of the University of California v. Bakke* first upheld the notion of affirmative action in 1978.

Instead of supporting our affirmative action programs, the Bush administration abandoned the vision of diversity articulated by Justice Powell in favor of so-called "race-neutral" percentage plans that are now in effect in Texas, California and Florida, knowing full well that these percentage plans do not really work. This administration even rejected the argument for affirmative action made in the military's amicus brief about the importance of a fully integrated officer corp, while we are at war, with black and brown soldiers on the front line.

While minority enrollment has begun to recover from the drastic declines following the abolition of affirmative action on these campuses, it is precisely because of an increase in race conscious recruitment and financial aid – not the percentage plans. Campuses have doubled their recruitment and need-based aid just to make modest gains towards affirmative action based numbers. If anything, these percentage plans have diverted white students to the flagship campuses and minorities to the rest, attesting to the fact that this administration not only tolerates segregation, but encourages it.

Affirmative action has a special place in our colleges and universities, ensuring that future generations learn to respect and appreciate their differences and similarities. Diversity gives all students the advantage of new perspectives in the classroom and is a critical factor in building an elite university like the University of Michigan. For more than two decades, *Bakke* has been the law of the land and seeking diversity in education admissions has been constitutional as serving a compelling state interest.

The notion that the compelling social need for a diverse student body should be jettisoned in the name of equal protection – in a social context where discrimination exists on many planes, where funding for public schools is disparate, and where a complex interplay of social and historical conditions often perpetuate segregation – simply ignores the reality of minority America.

We as a nation are at the crossroad of continued progress in the area of civil rights. We need to ask ourselves if we are willing to backtrack to the pre-Brown era when the races faced starkly different, and unequal worlds. Despite our increasingly diverse society, data shows that Americans of different racial and ethnic groups live largely separate lives. They live in separate neighborhoods, reside in separate communities, worship separately and attend separate elementary and secondary schools. In fact, Americans establish very few meaningful relationships across racial and ethnic lines.

The most important social issue we face in this new century is how a highly diverse social people -- a people that will have no majority race by the middle of the century -- can coexist and prosper together. Our diversity should be seen as our strength, not weakness. If we fall victim to backward-looking 19th Century legalistic formulas that result in the de facto segregation of American life, we will all be the worse for it."